IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

MFA.No. 1310 of 2000()

OP(MV).1241/1993 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KOZHIKODE dt.23.12.99.

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APPELLANT: PETITIONER

BALAKRISHNAN, S/O. VELLAN,
THOLICHEMMANNIL,
KAKKODI P.O. CALICUT.

BY ADV. SRI.THOMAS ANTONY
SRI.K.M.JAMALUDHEEN

RESPONDENTS: RESPONDENTS
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1. **N.SATHEESAN, S/O. GOPALAN NAIR,**
MANIKKAPARAMBATH HOUSE ,
BALUSSERI, P.O. CALICUT.

2. **K.K.MUSTHAFA, S/O. IMBICHEMMAD,**
PULARIAMBIL HOUSE, KAKKODI P.O,
CALICUT.

3. **THE NEW INDIA ASSURANCE CO. LTD.,**
TRIPURI BUILDING P.B. NO.1005.
EAST NADAKAVU, CALICUT.

BY ADV. SRI.P.JAYASANKAR - R3

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 30/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B. KOSHY and K.P.BALACHANDRAN, JJ.

M.F.A. No. 1310 of 2000

Dated this the 30th day of May, 2007

Judgment

Koshy, J.

Appellant who is alleged to have met with an accident on 22.9.1992 claimed compensation contending that there was dislocation of shoulder due to the accident. The claim petition was dismissed by the tribunal. The tribunal rejected the application because he filed an application earlier with regard to the same injuries sustained in the same accident. Ext.B1 is the copy of petition in O.P. (MV) No.3650 of 1993. It is the contention of the petitioner that he did authorise anybody to file such a petition. If he had not authorised to file that petition, particulars regarding himself, injuries, treatment etc. would not have been described in that application. Further, he himself signed that application. Since a claim petition was filed already, the second claim petition filed filed by him was not maintainable and the tribunal rightly rejected the same.

We see no merit in the appeal and the appeal is dismissed.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

vaa

J.B. KOSHY AND
K.P.BALACHANDRAN, JJ.

M.F.A. NO.1310/2000

JUDGMENT

Dated:30th May, 2007